

## MEMORANDUM

Agenda Item No. 10(A)(11)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

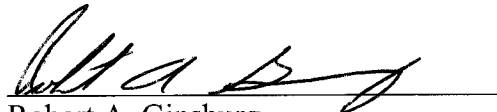
**DATE:** March 1, 2005

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Resolution authorizing  
creation of Charter  
Commission for new  
municipality currently  
known as Cutler Ridge

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.

  
Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** March 1, 2005

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 10(A)(11)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☒ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 10(A) (11)  
3-1-05

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING CREATION OF A CHARTER  
COMMISSION FOR A NEW MUNICIPALITY IN MIAMI-  
DADE COUNTY, FLORIDA CURRENTLY KNOWN AS  
CUTLER RIDGE

**WHEREAS**, Section 5.05 of the Dade County Home Rule Charter provides that the Board of County Commissioners appoint a Charter Commission consisting of five electors residing within the proposed boundaries of a municipality; and

**WHEREAS**, the County Commission, by Resolution No. R-1318-04 adopted on November 30, 2004, called a special election for January 11, 2005, for the purpose of submitting to the electors voting and residing within the proposed boundaries the question of whether the County Commission shall be authorized to create such new municipality; and

**WHEREAS**, at the election duly held on January 11, 2005, the creation of such new municipality was approved by a majority of the electors voting and residing within the proposed boundaries; and

**WHEREAS**, the Cutler Ridge Municipal Advisory Committee has met and submitted its report outlining a conceptual agreement between the City of Cutler Ridge (or such other name[s] as the Charter Commission submits) and the County for provision of services to the City by the County; and

**WHEREAS**, based upon the report of the Cutler Ridge Municipal Advisory Committee, and the conditions set forth for incorporation in the County Manager's Memorandum to the County Commission dated July 27, 2004, the County may be desirous of creating the City of

Cutler Ridge, if the proposed City's charter establishes, among other things, that the County will provide certain fire, library, solid waste, and police services to the new city,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that a Charter Commission for the new municipality is hereby created and established, consisting of five electors residing within the boundaries of Cutler Ridge which are described in Attachment A, which is incorporated herein by reference. The Charter Commission shall propose a municipal charter that may be submitted to the electors residing within the boundaries of Cutler Ridge at a special election that may be called by the County Commission, after adoption of an ordinance creating the City of Cutler Ridge, upon condition that the proposed municipal charter is approved by the electors residing within the boundaries of the proposed municipality. The following electors and residents of Cutler Ridge are hereby appointed as members of the Charter Commission:

1. Delleperche Joseph
2. Edward P. MacDougall
3. Sandra K. Reyes-Nanni
4. Alfonsina Sergio
5. Eduardo Wolmers

The members of the Charter Commission shall elect such officers as may be deemed necessary or desirable. The appointments herein made shall become effective immediately upon each member filing with the Clerk of the County Commission his or her acceptance of such appointment and oath of office.

The foregoing resolution was sponsored by Commissioner Katy Sorenson and offered by  
Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by  
Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman  
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Dorin D. Rolle  
Katy Sorenson  
Sen. Javier D. Souto

Dr. Barbara Carey-Shuler  
Carlos A. Gimenez  
Barbara J. Jordan  
Natacha Seijas  
Rebeca Sosa

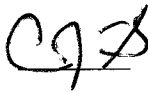
The Chairperson thereupon declared the resolution duly passed and adopted this 1<sup>st</sup> day of March, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Cynthia Johnson-Stacks

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**CUTLER RIDGE  
LEGAL DESCRIPTION**

A portion of Miami-Dade County, Florida generally bounded on the North by S.W. 184th Street (the South boundary of the Village of Palmetto Bay), bounded on the South by S.W. 232 Street, bounded on the East by Biscayne National Park and bounded on the West by the South Miami-Dade Transit Corridor (Bus Way) and SW 112 Avenue (Allapattah Road), said portion being more particularly described as follows:

**BEGIN** at the Southeast corner of Section 17, Township 56 South, Range 40 East, Miami-Dade County, Florida (the intersection of SW 97 Avenue and theoretical S.W. 232nd Street); thence Northerly along the East line of the Southeast one-quarter of said Section 17 to the intersection with the North line of the South three-quarters of the Southeast one-quarter of the Southeast one-quarter of said Section 17; thence Westerly along said North line of the South three-quarters of the Southeast one-quarter of the Southeast one-quarter of Section 17 (theoretical SW 228 Street) to the intersection with the Southerly extension of the East line of SUNSET APARTMENTS according to the plat thereof as recorded in Plat Book 156, Page 89 of the Public Records of Miami-Dade County, Florida; thence Northerly along said Southerly extension of the East line of SUNSET APARTMENTS, the East line of SUNSET APARTMENTS and the Northerly extension of the East line of said SUNSET APARTMENTS to the intersection with the centerline of SW 224 Street as shown on said SUNSET APARTMENTS; thence Westerly and Northwesterly along the centerline of said SW 224 Street to the intersection with the centerline of Old Cutler Road (Ingraham Highway) as described in Official Record Book 3097, page 272 of the Public Records of Miami-Dade County, Florida; thence Northeasterly along said centerline of Old Cutler Road (Ingraham Highway) to the intersection with the South line of Section 8, Township 56 South, Range 40 East; thence Westerly along the South line of said Section 8 (SW 216 Street) to the intersection with the Southerly extension of the East line of Tract "E" of CUTLER CANAL APARTMENTS III according to the plat thereof as recorded in Plat Book 139, page 79 of the Public Records of Miami-Dade County, Florida; thence Northerly along said Southerly extension of the East line of Tract "E" to the Southeast corner of said Tract "E"; the following 5 courses being along the Easterly line of said Tract "E"; (1) thence Northerly for 160.00 feet; (2) thence Westerly for 16.07 feet; (3) thence Northerly for 705.00 feet; (4) thence Easterly for 23.21 feet; (5) thence Northerly for 250.00 feet to the Northeast corner of said Tract "E", thence Northerly along the Northerly extension of the East line of Tract "E" to the intersection with the centerline of S.W. 212th Street; thence Westerly along said centerline of S.W. 212 Street to the intersection with the centerline of the canal right-of-way described in Official Record Book 1631, Page 643 and Official Record Book 1373, Page 613 of the Public Records of Miami-Dade County, Florida; thence northerly along a line 25.00 feet East of and parallel with the West line of the Southwest one-quarter of the Northeast one-quarter of the Southwest one-quarter of the above mentioned Section 8 (said line being the centerline of said canal right-of-way) for 170.00 feet; thence Westerly along a line 135.00 feet North of and parallel with the South line of the Southeast one-quarter of the Northwest one-quarter of the Southwest one-quarter of said Section 8 (said line also being the centerline of said canal right-of-way) to the intersection with the center line of Canal C-1-N; thence Northerly and Northeasterly along said centerline of Canal C-1-N to the intersection with the Southerly prolongation of the East line of the Miami-Dade County Parks and Recreation Department property described in

Official Record Book 19682, Page 4787 of the Public Records of Miami-Dade County, Florida; thence Northerly along the Southerly prolongation of the East line and the East line of said Miami-Dade County Parks and Recreation Department property to the Northeast corner of said Miami-Dade County Parks and Recreation Department property; thence westerly along the North line and the Westerly prolongation of the North line of said Miami-Dade County Parks and Recreation Department property, across State Road 821 (Homestead Extension of the Florida Turnpike) as shown on the Florida State Department of Transportation Right-of-way Map, Section 87005-2502, to the intersection with the Westerly Limited Access Right-of-Way line of said State Road 821 (Homestead Extension of the Florida Turnpike); thence Southerly along said Westerly Limited Access Right-of-Way line of said State Road 821 (Homestead Extension of the Florida Turnpike) to the intersection with the centerline of Canal C-1 (Black Creek Canal); thence Westerly following said centerline of Canal C-1 (Black Creek Canal) to the intersection with the West line of the Southeast one-quarter of Section 7, Township 56 South, Range 40 East, Miami-Dade County, Florida, lying in S.W. 112th Avenue (Allapattah Road); thence Northerly along said West line of the Southeast one-quarter and the West line of the Northeast one-quarter of said Section 7 (S.W. 112th Avenue and its Northerly extension) to the intersection with the Southeasterly right-of-way line of the South Miami-Dade Transit Corridor as recorded in Official record Book 20119, page 0538 of the Public Records of Miami-Dade County, Florida; Thence Northeasterly along said Southeasterly right-of-way line of the South Miami-Dade Transit Corridor, across Sections 7, 6 and 5, Township 56 South, Range 40 East Miami-Dade County, Florida, to the intersection with the centerline of S.W. 186th Street; thence Easterly along said centerline of S.W. 186th Street to the intersection with the centerline of State Road 5 (U.S. 1) according to the Florida Department of Transportation Right-of-Way Map recorded in Plat Book 124, Page 56 of the Public Records of Miami-Dade County, Florida; thence Northeasterly along said centerline of State Road 5 (U.S. 1) to the intersection with the North line of Section 5, Township 56 South, Range 40 East, lying in S.W. 184th Street said line also being the South boundary of the Village of Palmetto Bay; thence Easterly along the South boundary of the Village of Palmetto Bay and the North line of Sections 5, 4, 3, and 2, Township 56 South, Range 40 East, (S.W. 184th Street) to the intersection with the Mean High Water Line on the Western shore of Biscayne Bay and the Western boundary of Biscayne National Park, the following 12 courses being on the Western boundary of Biscayne National Park; (1) Thence Southerly along said Mean High Water Line to the intersection with the South line of the North one-half of Lots 7 and 8, in the North one-half of Section 2, PERRINE GRANT according to the plat thereof as recorded in Plat Book 4, page 9 of the Public Records of Miami-Dade County, Florida; (2)thence Westerly along said South line of the North one-half of Lots 8 and 7 of said PERRINE GRANT to a point 1570 feet, more or less, East of the West line of Lot 5 of said PERRINE GRANT; (3) thence Southerly to a point 425 feet, more or less, North of the South line of Lot 7, in the South one-half of Section 2, PERRINE GRANT; (4) thence Southeasterly to the Southwest corner of Lot 8 in the South one-half of Section 2, PERRINE GRANT; (5) thence Southerly to the Northwest corner of Lot 7, in Section 2, TENALLA OCEAN FARMS according to the plat thereof as recorded in Plat Book 8, page 124 of the Public Records of Miami-Dade County, Florida; (6) thence Southerly to the Southwest corner of said Lot 7 in Section 2, TENALLA OCEAN FARMS; (7) thence Southeasterly to the Northeast corner of Lot 40, in Section 11, TENALLA OCEAN FARMS; (8) thence Southerly along the East line of said Lot 40, Lot 57 and Lot 72 of said TENALLA OCEAN FARMS to the Southeast corner of said Lot 72; (9) thence Southwesterly to a point on the North line of Section 14, Township 56 South, Range 40 East, which lies 1600 feet, more or less Easterly of (as measured along said North line) of the

Northwest corner of said Section 14; (10) thence Southwesterly to a point on the North line of the South one-half of the North one-half of said Section 14 which lies 1550 feet, more or less, East of the West line of said Section 14; (11) thence Southwesterly to a point on the North line of the South one-half of Section 14 which lies 1320 feet, more or less, East of the West line of Section 14; (12) thence Southwesterly to a point on the South line of said Section 14 which lies 430 feet, more or less, East of the West line of said Section 14; thence Westerly, leaving said Western boundary of Biscayne National Park, along the South line of Section 14, Section 15 and Section 16, Township 56 South, Range 40 East (S.W. 232nd Street and the Easterly extension thereof) to the Southeast corner of Section 17, Township 56 South, Range 40 East and the **POINT OF BEGINNING.**